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CITY OF LAKEWOOD

Rec'd Aliu Bush

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

NOEL A. SALDANA AND JESSICA  
SALDANA,

Plaintiffs,

vs,

THE CITY OF LAKEWOOD, a municipal  
corporation; and JAMES SYLER, in his  
official and individual capacity and JANE  
DOE SYLER and their marital community,

Defendants.

NO. 11-2-15723-2

SUMMONS

TO DEFENDANTS: A lawsuit has been started against you in the above entitled court by Noel Saldana and Jessica Saldana. Plaintiff's claims are stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what

SUMMONS- 1

COPY

THE LAW OFFICE OF  
ERIK L. BAUER  
215 Tacoma Avenue South  
Tacoma, Washington 98402  
(253) 383-2000  
FAX (253) 383-0154

1 he asks for because you have not responded. If you serve a notice of appearance on the  
2 undersigned person, you are entitled to notice before a default judgment may be entered.

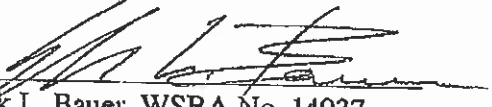
3 You may demand that the plaintiff file this lawsuit with the court. If you do so, the  
4 demand must be in writing and must be served upon the person signing this summons. Within  
5 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the  
6 service on you of this summons and complaint will be void.

7 If you wish to seek the advice of an attorney in this matter, you should do so promptly so  
8 that your written response, if any, may be served on time.

9 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State  
10 of Washington.

11  
12 DATED this 16th day of November, 2011.

13  
14 LAW OFFICES OF ERIK L. BAUER

15  
16 By   
17 Erik L. Bauer, WSBA No. 14937  
18 Attorney for Plaintiff  
19  
20  
21  
22  
23  
24  
25

**B**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

NOEL A. SALDANA AND JESSICA  
SALDANA, husband and wife and their  
marital community,

Plaintiffs,

vs,

THE CITY OF LAKEWOOD, a municipal  
corporation; and JAMES SYLER, in his  
official and individual capacity and JANE  
DOE SYLER and their marital community,

Defendants.

NO. 11-2-15723-2

COMPLAINT FOR DAMAGES

Plaintiffs, for their cause of action against the Defendants, complain and allege as follows:

I. PARTIES

1.1. At all times material herein, plaintiffs Noel A. Saldana and Jessica Saldana have been residents of Pierce County in the State of Washington.

1.2. The defendant, City of Lakewood, is a municipal corporation that provides police protection and services to its citizens and residents through the Lakewood Police

1 Department. Defendant City of Lakewood was the employer of defendant James  
2 Syler at the time of the incident alleged herein.

- 3 1.3. The defendant, James Syler, and Jane Doe Syler, whose true name is unknown to  
4 the Plaintiffs, were husband and wife and composed a marital community under  
5 the laws of the State of Washington. That all acts hereinafter alleged of  
6 Defendant James Syler were done on his own behalf and on behalf of the marital  
7 community.

8 **II. JURISDICTION AND VENUE**

- 9  
10 2.1. All acts and omissions alleged in this complaint occurred in Pierce County,  
11 Washington and the court has jurisdiction of this action and the persons of the  
12 parties hereto under R.C.W. 4.12.020. Venue is properly established in this  
13 judicial district pursuant to R.C.W. 4.12.020 and R.C.W. 4.96.020.
- 14 2.2. Plaintiffs filed a claim for damages regarding the torts alleged in this action. The  
15 claims were presented to the City of Lakewood Department of General Services  
16 on January 10, 2011.

17 **III. FACTS**

- 18 3.1. On or about June 27, 2010, City of Lakewood Police Officers, including K-9 dog  
19 handler James Syler, responded to a telephone call from plaintiff Jessica Saldana.  
20 Mrs. Saldana had requested her husband, plaintiff Mr. Noel Saldana to leave the  
21 premises.
- 22 3.2. Jessica Saldana was married to Noel Saldana at the time of the incident.
- 23  
24  
25

1 3.3. When Mrs. Saldana told Mr. Saldana that she was contacting the police, Mr.  
2 Saldana left the premises. Mr. Saldana stopped at his mother's apartment across  
3 the hall and then began walking towards his sister's house.

4 3.4. Mr. Saldana was walking on a gravel sidewalk when K-9 police dog Astor  
5 approached him under the direct supervision of defendant James Syler, an officer  
6 of the Lakewood Police Department. Defendant Syler ordered Mr. Saldana to  
7 turn around and drop down to the ground. Mr. Saldana complied, and was  
8 attacked by K-9 police dog Astor.

9 3.5. K-9 Astor ripped into the back of Mr. Saldana's left leg. Mr. Saldana could hear  
10 his flesh and muscle tearing. The dog thrashed his head back and forth and kept  
11 biting and rending Mr. Saldana's leg until the dog was pulled off.  
12

13 3.6. Defendant Syler pulled Mr. Saldana up to standing position, kicking his legs  
14 open. Mr. Saldana's leg was bleeding profusely. Defendant Syler had Mr.  
15 Saldana hold and twist his own pants in an attempt to control the bleeding.

16 3.7. An ambulance took Mr. Saldana to the hospital. Mr. Saldana was rushed into the  
17 operating room with multiple bite wounds to the left lower leg. His injuries  
18 included a significant wound measuring more than 12 centimeters by 7  
19 centimeters in dimension covering the entire calf region, several bites measuring 4  
20 to 5 centimeters each, puncture wounds, and lacerations. One wound was deep  
21 enough to expose several centimeters of leg bone. These injuries required  
22 surgical debridement, staples and a skin graft, painful and costly procedures. Skin  
23 was taken from Mr. Saldana's right leg and was grafted onto his left leg. Mr.  
24 Saldana has lost a significant amount of range of motion in his knee, walks with a  
25 noticeable limp, and has significant scarring on both of his legs.

1 3.8. No criminal charges were filed against Mr. Saldana or Defendant Syler in this  
2 matter.

3 **CLAIMS AND CAUSES OF ACTION**

4 **IV. VIOLATION OF PLAINTIFF'S CIVIL RIGHTS UNDER 42 U.S.C. §1983**

5 4.1. Plaintiffs reallege paragraphs 1.1 through 3.8 above.

6  
7 4.2. During the locating of plaintiff Noel Saldana and under the direct supervision of  
8 defendant James Syler, an officer of the Lakewood Police Department, K-9 police  
9 dog Astor located Mr. Saldana and used unnecessary and excessive force by  
10 biting and ripping into Mr. Saldana's leg, shredding his leg.

11 4.3. During the locating of Mr. Saldana, defendant James Syler, an officer of the  
12 Lakewood Police Department, was present and observing the K-9 police dog  
13 Astor tear apart Mr. Saldana's leg and had the ability and responsibility to stop it,  
14 but did not take reasonable, timely, and effective steps to do so.

15 4.4. In this manner, the force used by defendant to subdue and seize Mr. Saldana was  
16 excessive under the facts and circumstances as they were known to the officer.  
17 The conduct of defendant Syler was unreasonable and violated Mr. Saldana's  
18 rights under the Fourth Amendment to the United States Constitution and under  
19 42 U.S.C. §1983.

20 4.5. As a result of the acts of the Defendant, plaintiffs have suffered, and continue to  
21 suffer, injury to body and mind, pain, emotional distress, disfigurement, disability,  
22 and are entitled to relief under 42 U.S.C. §1983.  
23

24 **V. NEGLIGENCE**

25 5.1. Plaintiffs reallege paragraphs 1.1 through 4.5 above.



1 5.2. At all times relevant herein, the City of Lakewood by and through the Lakewood  
2 Police Department was the employer of Officer Syler and the officer was acting  
3 within the scope of employment. Defendant City of Lakewood is liable for the  
4 negligence of defendant Syler and his police dog Astor under the theory of  
5 respondeat superior.

6 5.3. Defendants knew or should have known police dog Astor's propensity for danger,  
7 and failed to train, handle, and utilize the dog in a reasonable manner. Defendants  
8 owed plaintiff Noel Saldana a duty of care not to cause unreasonable and  
9 egregious bodily harm and a duty to follow the law of the State of Washington.

10 5.4. Defendants breached this duty when Defendant Syler failed to exercise control  
11 over police dog Astor during the detention and arrest of Mr. Saldana, allowing the  
12 dog to attack Mr. Saldana.

13 5.5. As a direct and proximate result of this negligence, Plaintiffs suffered damages  
14 and will continue to incur substantial damages in an amount to be established at  
15 trial.

16  
17 **VI. NEGLIGENCE USE OF EXCESSIVE FORCE**

18 6.1. Plaintiffs reallege paragraphs 1.1 through 5.5 above.

19 6.2. At all times relevant herein, the City of Lakewood by and through the Lakewood  
20 Police Department was the employer of Officer Syler and the officer was acting  
21 within the scope of employment. Defendant City of Lakewood is liable for the  
22 negligent use of excessive force by defendant Syler and his police dog Astor  
23 under the theory of respondeat superior.  
24  
25

1 6.3. Defendant Syler had a duty to refrain from using force excessively and  
2 unreasonably and a duty to follow the law of the State of Washington.

3 6.4. Defendant Syler breached this duty when he negligently used excessive force to  
4 arrest plaintiff Noel Saldana.

5 6.5. As a direct and proximate result of this negligence, Plaintiffs suffered damages  
6 and will continue to incur substantial damages in an amount to be established at  
7 trial.

8  
9 **VII. INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS/OUTRAGE**

10 7.1. Plaintiffs reallege paragraphs 1.1 through 6.5 above.

11 7.2. At all times relevant herein, the City of Lakewood was the employer of Defendant  
12 Syler and the officer was acting within the scope of employment. Defendant the  
13 City of Lakewood is liable for the outrageous conduct of defendant Syler under  
14 the theory of respondeat superior.

15 7.3. The defendant Syler's outrageous conduct caused plaintiff Noel Saldana to suffer  
16 emotional distress.

17 7.4. As a direct and proximate result of this outrageous conduct, Plaintiffs suffered  
18 damages, and will continue to incur substantial damages, in an amount to be  
19 established at trial.

20  
21 **VIII. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

22 8.1. Plaintiffs reallege paragraphs 1.1 through 7.4 above.

23 8.2. At all times relevant herein, the City of Lakewood was the employer of Defendant  
24 Syler and the officer was acting within the scope of employment. Defendant the  
25

1 City of Lakewood is liable for the negligent infliction of emotional distress by  
2 defendant Syler under the theory of respondeat superior.

3 8.3. The defendant Syler's negligence and excessive force caused plaintiff Noel  
4 Saldana to suffer emotional distress.

5 8.4. As a direct and proximate result of this negligence, Plaintiffs suffered damages,  
6 and will continue to incur substantial damages, in an amount to be established at  
7 trial.

8  
9 **IX. STRICT LIABILITY**

10 9.1. Plaintiffs reallege paragraphs 1.1 through 8.4 above.

11 9.2. Defendants are strictly liable for the injuries inflicted by the dog pursuant to RCW  
12 16.08.040.

13 9.3. As a direct and proximate result of the injuries caused by its K-9 Astor, Plaintiffs  
14 suffered damages, and will continue to incur damages, in an amount to be  
15 established at trial.

16 **X. ASSAULT AND BATTERY**

17 10.1. Plaintiffs reallege paragraphs 1.1 through 9.3 above.

18 10.2. On or about June 27, 2010, defendant James Syler, while acting as an agent of the  
19 defendant City of Lakewood, within the scope of his employment, intentionally  
20 assaulted and battered plaintiff Noel Saldana in an attempt to detain him.

21 10.3. The assault and battery upon Mr. Saldana was done with unnecessary,  
22 unreasonable, and excessive force.

10.4. As a result of the acts of the defendant Syler, Plaintiffs suffered, and continue to suffer, injury to body and mind, pain, emotional distress, disfigurement, and disability.

## XI. DAMAGES

11.1. As a direct and proximate result of the said acts and failures to act of the defendant Syler and the acts and failures to act of the City of Lakewood through the Lakewood Police Department, described in the previous paragraphs, the plaintiff Noel Saldana suffered severe and permanent injuries and damages, and will continue to suffer in the future, damages including but not limited to:

- a. Physical pain and suffering including permanent disfigurement requiring the expenditure of money for treatment;
- b. Psychological and emotional injuries past and future requiring the expenditure of money for treatment;
- c. Fear, emotional distress, humiliation, psychological distress, loss of enjoyment of life, and embarrassment past and future;
- d. Economic and non-economic damages, including loss of income, past and future, in an amount to be established at trial.
- e. Violation of constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution;

11.2. As a direct and proximate result of the said acts and failures to act of the defendant Syler and the acts and failures to act of the City of Lakewood through the Lakewood Police Department, described in the previous paragraphs, the plaintiff Jessica Saldana suffered and will continue to suffer in the future, the loss

1 of the care, service, companionship, society and consortium of her husband, Noel  
2 Saldana, the exact amount of which will be established at the time of trial.

3 11.3. The actions of the defendants were done under color of law violated the following  
4 clearly established and well-settled federal constitutional rights of the plaintiff  
5 Noel Saldana, as described above.

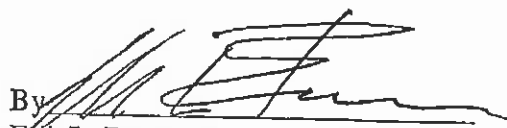
6 **XII. Prayer for Relief**

7 For the reasons stated above, plaintiffs pray for the following relief:

- 8 a. For judgment against each of the defendants, jointly and severally, for monetary  
9 special damages in an amount to be determined at trial;  
10  
11 b. For judgment against each of the defendants, jointly and severally, for general  
12 compensatory damages in an amount to be determined at trial;  
13  
14 c. For judgment against each of the defendants, jointly and severally, for loss of  
15 consortium claims, in amount to be determined at trial;  
16  
17 d. For judgment for punitive damages pursuant to 42 U.S.C. §1983;  
18  
19 e. For attorney fees and costs authorized by statute, including reasonable attorney's fees  
20 pursuant to 42 U.S.C. §1988; and  
21  
22 f. For such other relief as the court deems just.

23 DATED this 16th day of November, 2011.

24 LAW OFFICES OF ERIK L. BAUER

25 By   
Erik L. Bauer, WSBA No. 14937  
Attorney for Plaintiffs

C

**SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY**  
**CASE COVER SHEET / CIVIL CASES**

Case Title Saldana v. City of Lakewood, James Syler Case Number 11-2-15723-2  
 Atty/Litigant Erik L. Bauer Bar # 14937 Phone (253) 383-2000  
 Address 215 Tacoma Ave S  
 City Tacoma State WA Zip 98402

Please check one category that best describes this case for indexing purposes.  
 If you cannot determine the appropriate category, please describe the cause of action below. This will create a  
 Miscellaneous cause which is not subject to PCLR 3.

**APPEAL / REVIEW**

- ☐ Administrative Law Review (ALR 2) REV 6  
☐ Civil, Non-Traffic (LCA 2) REV 6  
☐ Civil, Traffic (LCI 2) REV 6  
☐ Land Use Petition (LUP 2) LUPA

**CONTRACT / COMMERCIAL**

- ☐ Breach of Contract (COM 2) STANDARD  
☐ Commercial Non-Contract (COM 2) STANDARD  
☐ Commercial-Contract (COM 2) STANDARD  
☐ Third Party Collection (COL 2) REV 4

**JUDGMENT**

- ☐ Judgment, Another County (ABJ 2) Non PCLR  
☐ Abstract Only (ABJ 2) Non PCLR  
☐ Transcript of Judgment (TRJ 2) Non PCLR  
☐ Foreign Judgment Civil (FJU 2) Non PCLR  
☐ Judgment, Another State (FJU 2) Non PCLR

**TORT / MOTOR VEHICLE**

- ☐ Death (TMV 2) STANDARD  
☐ Non-Death Injuries (TMV 2) STANDARD  
☐ Property Damage Only (TMV 2) STANDARD

**TORT / NON MOTOR VEHICLE**

- ☐ Other Malpractice (MAL 2) COMPLEX  
☒ Personal Injury (PIN 2) STANDARD  
☐ Property Damage (PRP 2) STANDARD  
☐ Wrongful Death (WDE 2) STANDARD  
☐ Other Tort (TTO 2) COMPLEX  
☐ Products Liability (TTO 2) COMPLEX  
☐ Asbestos (TTO 2) COMPLEX

**PROPERTY RIGHTS**

- ☐ Condemnation (CON 2) STANDARD  
☐ Foreclosure (FOR 2) REV 4  
☐ Property Fairness (PFA 2) STANDARD  
☐ Quiet Title (QTI 2) STANDARD  
☐ Unlawful Detainer / Eviction (UND 2) REV 4  
☐ Unlawful Detainer / Contested (UND 2) REV 4

**OTHER COMPLAINT OR PETITION**

- ☐ Compel/Confirm Bind Arbitration (MSC2) REV 4  
☐ Deposit of Surplus Funds (MSC 2) REV 4  
☐ Interpleader (MSC 2) REV 4  
☐ Subpoenas (MSC 2) REV 4  
☐ Victims' Employment Leave (MSC 2) REV 4  
☐ Wireless Number Disclosure (MSC 2) REV 4  
☐ Injunction (INJ 2) REV 4  
☐ Malicious Harassment (MHA 2) Non PCLR  
☐ Minor Settlement/No Guardianship (MST2) REV 4  
☐ Pet for Civil Commit/Sex Predator (PCC2) REV 4  
☐ Property Damage Gangs (PRG 2) REV 4  
☐ Seizure of Property/Comm. of Crime (SPC2) REV 4  
☐ Seizure of Property Result from Crime (SPR2) REV 4

**TORT / MEDICAL MALPRACTICE**

- ☐ Hospital (MED 2) COMPLEX  
☐ Medical Doctor (MBD 2) COMPLEX  
☐ Other Health Care Professional (MED2) COMPLEX

**WRIT**

- ☐ Habeas Corpus (WHC 2) REV 4  
☐ Mandamus (WRM 2) REV 4  
☐ Review (WRV 2) REV 4  
☐ Miscellaneous Writ (WMW 2) REV 4

**MISCELLANEOUS**

Revised 09/01/2011 Fillable

COPY

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E-FILED  
IN COUNTY CLERK'S OFFICE  
PIERCE COUNTY, WASHINGTON

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR PIERCE COUNTY

November 16 2011 10:46 AM

KEVIN STOCK  
COUNTY CLERK

No. 11-2-15723-2

ORDER SETTING CASE SCHEDULE

Type of case: PIN  
Estimated Trial (days):  
Track Assignment: Standard  
Assignment Department: 18  
Docket Code: ORSCS

Confirmation of Service	12/14/2011
Confirmation of Joinder of Parties, Claims and Defenses	3/14/2012
Jury Demand	3/21/2012
Status Conference (Contact Court for Specific Date)	Week of 4/11/2012
Plaintiffs/Petitioner's Disclosure of Primary Witnesses	5/9/2012
Defendant's/Respondent's Disclosure of Primary Witnesses	6/6/2012
Disclosure of Rebuttal Witnesses	7/25/2012
Deadline for Filing Motion to Adjust Trial Date	8/22/2012
Discovery Cutoff	9/26/2012
Exchange of Witness and Exhibit Lists and Documentary Exhibits	10/10/2012
Deadline to file Certificate or Declaration re: Alternative Dispute Resolution (PCLR 16 (c)(3))	10/17/2012
Deadline for Hearing Dispositive Pretrial Motions	10/17/2012
Joint Statement of Evidence	10/17/2012
Pretrial Conference (Contact Court for Specific Date)	Week of 10/31/2012
Trial	11/14/2012 9:00

**Unless otherwise instructed, ALL Attorneys/Parties shall report to the trial court at 9:00 AM on the date of trial.**

**NOTICE TO PLAINTIFF/PETITIONER**

If the case has been filed, the plaintiff shall serve a copy of the Case Schedule on the defendant(s) with the summons and complaint/petition: Provided that in those cases where service is by publication the plaintiff shall serve the Case Schedule within five (5) court days of service of the defendant's first response/appearance. If the case has not been filed, but an initial pleading is served, the Case Schedule shall be served within five (5) court days of filing. See PCLR 3.

**NOTICE TO ALL PARTIES**

All attorneys and parties shall make themselves familiar with the Pierce County Local Rules, particularly those relating to case scheduling. Compliance with the scheduling rules is mandatory and failure to comply shall result in sanctions appropriate to the violation. If a statement of arbitrability is filed, PCLR 3 does not apply while the case is in arbitration.

Dated: November 16, 2011



Judge BEVERLY G. GRANT  
Department 18

E

12/15/2011 15:59:19 558141



11-2-15723-2 37685582 AFSR 12-15-11

FILED  
IN COUNTY CLERK'S OFFICE

AM. DEC 14 2011 PM

PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY DEPUTYSUPERIOR COURT, IN AND FOR THE COUNTY OF PIERCE, STATE OF  
WASHINGTONNOEL A SALDANA AND JESSICA SALDANA  
Plaintiff/Petitioner

Cause # 11-2-15723-2

VS  
THE CITY OF LAKEWOOD, A MUNICIPAL  
CORPORATION, ET AL  
Defendant/Respondent

Declaration of Service of

SUMMONS AND COMPLAINT FOR DAMAGES, ORDER  
SETTING CASE SCHEDULE, CASE COVER SHEET / CIVIL  
CASES

Hearing Date

## Declaration.

The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the date and time of Dec 10 2011 6.16PM at the address of 17107 115TH ST E BONNEY LAKE, within the County of PIERCE, State of WASHINGTON, the declarant duly served the above described documents upon JAMES SYLER by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with JAMES SYLER A blonde-haired white male approx 40-45 years of age, 6'0"-6'4" tall and weighing 180-220 lbs Vehicles IMT 51716D (Lakewood PD), 779YCV..

No information was provided that indicates that the subjects served are members of the U S. military

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct

Dated: December 12, 2011 at Tacoma, WA

by R Simpson 23422

Service Fee Total \$ 72.80

ABC Legal Services, Inc.  
206 521-9000  
Tracking #. 6915720ORIGINAL  
PROOF OF SERVICE

Page 1 of 1

11-2-15723-2  
Bauer, Enk  
215 Tacoma Avenue South  
Tacoma, WA 98402  
253 383-2000

**F**

12/26/2011 15:47 78836



11-2-15723-2 37704409 AFSR 12-19-11

FILED  
IN COUNTY CLERK'S OFFICE  
A.M. DEC 16 2011 P.M.  
PIERCE COUNTY WASHINGTON  
KEVIN STOCK, County Clerk  
BY W DEPUTY

**SUPERIOR COURT, IN AND FOR THE COUNTY OF PIERCE, STATE OF  
WASHINGTON**

NOEL A SALDANA AND JESSICA SALDANA  
Plaintiff/Petitioner

Cause # 11-2-15723-2

VS  
THE CITY OF LAKEWOOD, A MUNICIPAL  
CORPORATION, ET AL  
Defendant/Respondent

Declaration of Service of

SUMMONS AND COMPLAINT FOR DAMAGES, ORDER  
SETTING CASE SCHEDULE, CASE COVER SHEET / CIVIL  
CASES

Hearing Date

**Declaration**

The undersigned hereby declares That s(he) is now and at all times herein mentioned, a citizen of the United States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein

On the date and time of Dec 12 2011 11 56AM at the address of 6000 MAIN ST 3RD FLOOR LAKEWOOD, within the County of PIERCE, State of WASHINGTON, the declarant duly served the above described documents upon THE CITY OF LAKEWOOD, A MUNICIPAL CORPORATION by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with Alice Bush, City Clerk a gray-haired Asian female approx 55-65 years of age, 5'-5'4" tall and weighing 120-160 lbs

No information was provided that indicates that the subjects served are members of the US military

I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: December 13, 2011 at Tacoma, WA

by

S Hickey PCR #14340

Service Fee Total \$ 72 80



ABC Legal Services, Inc  
206 521-9000  
Tracking #: 6915719



**ORIGINAL  
PROOF OF SERVICE**

Page 1 of 1

11-2-15723-2  
Bauer, Enk  
215 Tacoma Avenue South  
Tacoma, WA 98402  
253 383-2000

G

E-FILED  
IN COUNTY CLERK'S OFFICE  
PIERCE COUNTY, WASHINGTON

December 15 2011 11:13 AM

KEVIN STOCK  
COUNTY CLERK

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR PIERCE COUNTY**

NOEL SALDANA VS. CITY OF LAKEWOOD

11-2-15723-2

The case(s) listed above were previously assigned to Department 18 Judge BEVERLY G. GRANT. Judge EDMUND MURPHY has assumed this case. Unless otherwise notified, your trial date and case schedule, if set, remain unchanged.

If the case is resolved, call Department 18 at (253) 798-6650 or e-mail to: [supcrtdept18@co.pierce.wa.us](mailto:supcrtdept18@co.pierce.wa.us)

If you are an attorney and have withdrawn from the case(s) listed below, contact the Clerk's office.



---

Bryan Chushcoff  
Presiding Judge

Dated: December 15, 2011

Mailed to:  
ERIK L. BAUER

H



HONORABLE EDMUND MURPHY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF PIERCE

NOEL SALDANA AND JESSICA  
SALDANA, husband and wife and their  
marital community,

Plaintiff,

v.

CITY OF LAKEWOOD, a municipal  
corporation, JAMES SYLER, in his official  
and individual capacity and JANE DOE  
SYLER and their marital community, ,

Defendants,

No. 11-2-15723-2

DEFENDANTS' NOTICE OF  
APPEARANCE

TO: NOEL SALDANA AND JESSICA SALDANA, Plaintiffs

AND TO: Erik L. Bauer, Attorneys for Plaintiff

AND TO: THE CLERK OF THE ABOVE-ENTITLED COURT

YOU, AND EACH OF YOU, WILL PLEASE BE ADVISED AND TAKE  
NOTICE that the undersigned appears as attorney of record for CITY OF LAKEWOOD,  
JAMES SYLER AND JANE DOE SYLER, Defendants without waiving any defects as to  
lack of jurisdiction over subject matter, lack of jurisdiction over person, improper venue,  
insufficiency of process, insufficiency of service of process, misjoinder or non-joinder, and  
hereby requests that any and all further pleadings or notices of any nature or kind

DEFENDANTS' NOTICE OF APPEARANCE - 1  
K:\SAE\Lakewood adv. Saldana WCIA 11179\Pleadings\p-122811-  
NOA.doc

KEATING, BUCKLIN & MCCORMACK, INC., P.S.

ATTORNEYS AT LAW  
800 FIFTH AVENUE, SUITE 4141  
SEATTLE, WASHINGTON 98104-3175  
PHONE: (206) 623-8861  
FAX: (206) 223-9423

1 whatsoever affecting the rights of said parties, except original process, be served upon the  
2 undersigned attorneys at the address stated below.

3 DATED this 28th day of December, 2011.

4  
5 KEATING, BUCKLIN & McCORMACK, INC., P.S.

6  
7 s/ Stewart A. Estes

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CERTIFICATE OF SERVICE

I hereby declare under penalty of perjury of the laws of the State of Washington that I am of legal age and not a party to this action; that on the 28th day of December, 2011, I electronically filed *Defendants' Notice of Appearance* with the Clerk of the Court using the E-Filing system, and I served the above document via the method indicated below to the parties addressed below for service no later than December 28th, 2011.

Attorneys for Plaintiff – sent via legal messenger

Erik L. Bauer  
The Law Offices of Erik L. Bauer  
215 Tacoma Avenue South  
Tacoma, WA 98402

s/ Esther Espino

Esther Espino, Legal Assistant

## Filing Submitted

### What's Next?

Your document has been submitted to the court and will be filed pending review.

Thank you. Your documents have been submitted to the Pierce County Clerks Office.

Case: 11-2-15723-2  
NOEL SALDANA VS. CITY OF LAKEWOOD

The date and time of this filing was 12/28/2011 4:14 PM  
The following are your confirmation numbers for the documents submitted;

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